

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



May 4, 2011

Ms. Christine Roddy
Goulston & Storrs
1999 K Street, NW. Suite 500
Washington, DC 20006

Re: Processing of First-Stage Approval of Portion of Zoning Commission Case No. 05-28 without Second-Stage Approval

Dear Ms. Roddy:

Pursuant to our meeting on March 2, 2011, I am confirming that development of Block D in Zoning Commission Case No. 05-28 can be improved without Zoning Commission review and approval of a Second-Stage PUD application.

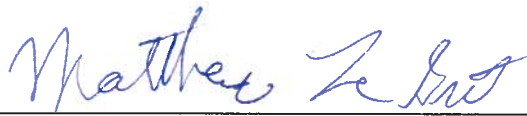
The Zoning Commission approved a First-Stage Planned Unit Development ("PUD") for over 15 acres of land in the Parkside neighborhood of Ward 7. The Parkside First-Stage PUD was approved as a mixed-income, mixed-use, transit-oriented development adjacent to the Minnesota Avenue and Benning Road Metrorail Station. The First-Stage approval granted a map amendment and a project with 1500-2000 dwelling units, 750,000 square feet of office and 30-50,000 square feet of retail.

The 15 acres of land, and the approved development, were broken down into ten development blocks. Nine of the building blocks will be improved with a mixed-use project and the remaining building block, Block D, will consist of a one-acre park. The one-acre park was provided as an amenity of the PUD; the site is currently vacant. The property owner has agreed to donate Block D to Groundwork Anacostia River DC, a local non-profit dedicated to environmental improvements in the Anacostia watershed. The terms of the land transfer state that there will be no structures or buildings erected on the parcel designated for the park.

Pursuant to Sections 2406.11 and 2406.12 of the Zoning Regulations, a First-Stage PUD is processed in order to establish the massing of a building whereas a Second-Stage PUD application is required in order to finalize the design of a proposed structure. A Second-Stage PUD application requires approval of a detailed site plan, typical floor plans and architectural elevations and sections, and a detailed circulation plan. Given that no structures are planned for the park, the requirements of the Second-Stage PUD in this instance are superfluous. The First-

Stage PUD approved landscaping, hardscaping, street lighting, and park furnishings for Block D. See Tab B of Exhibit 2 and Tab F of Exhibit 21. The plans approved by the Commission did not provide for the construction of any buildings or structures. The attached plans are consistent with the plans approved by the Zoning Commission in Zoning Commission Case No. 05-28. There are no conditions in the PUD approval regarding the improvement of Block D. Accordingly, given the silence of the PUD Order and in light of the fact that the Block does not provide for the construction of any buildings or structures, I find that a Second-Stage application is unnecessary and would be duplicative of the First-Stage approval in this limited situation. Further, because the park was offered as an amenity in the First-Stage PUD, I find that the sooner it is improved, the sooner the community is able to benefit from the amenity. Thus, Second-Stage approval is not required for the improvement of Block D in a manner reasonably consistent with the attached plans.

Sincerely,

A handwritten signature in blue ink, reading "Matthew Le Grant", written over a horizontal line.

Matthew Le Grant
Zoning Administrator

cc: Sharon Schellin, Secretary to the Zoning Commission